

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
San Jose City Clerk
City Clerk
Time Stamp
2009 DEC 10 P 2:51

TOTAL BASE BID 4,444,000
ALT NO. 1 70,000
ALT NO. 2 185,000
ALT NO. 3 3,500
Alt No. 4 5,000
Alt No. 5 _____

BID DATE: Thursday, December 10, 2009

Project Manager: Agatha Ng – 535-8350

CALABAZAS BRANCH LIBRARY

BIDDER NAME: Apple Gate bhastan

Bond ☒ Cashier's Check _____

Addendums Included ()

YES ☒ NO _____

NonCollusion Affidavit

YES ☒ NO _____

PROPOSAL TO CITY OF SAN JOSE

FOR CALABAZAS BRANCH LIBRARY

Name of Bidder: Applegate Johnston, Inc.

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein; that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works on **October 27, 2009** entitled **CALABAZAS BRANCH LIBRARY** and the Specifications approved by the Director of Public Works on **October 27, 2009** entitled **CALABAZAS BRANCH LIBRARY** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefor the following price or unit prices as shown in the Schedule of Quantities on the next page(s).

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venturers comprising the joint venture; if any of the joint venturers are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venturers are corporations, state for each corporation the information required above of corporations; if any of the joint venturers are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words "doing business under (insert the fictitious name)" shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorize to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished (cont. on page 2 of 3)

DESCRIPTION OF WORK:

Furnish all necessary labor, materials, equipment, and incidentals to complete the work, as described in the plans and Specifications for this project.

BID ITEM:

For the **CALABAZAS BRANCH LIBRARY**⁽¹⁻⁴⁾

**TOTAL BID PRICE
FOR EACH ITEM**
(in figures):

Project Description: All work described for the construction of a 10,500sf One Story facility known as the Calabazas Branch Library Project as noted in the project manual and drawings, including allowances described below:

| | |
|---|------------------|
| Allowance 1: Utility connections fees. | \$150,000 |
| Allowance 2: SWPPP/Erosion Control requirements. | 30,000 |
| Allowance 3: CEQA Mitigation Monitoring and reporting. | 30,000 |
| Allowance 4: Third Party Special Inspection for Structural and Soil certification. | 150,000 |
| Allowance 5: Third Party Hazardous Materials Monitoring Agency. | 25,000 |
| Total Allowances: | \$385,000 |

TOTAL BASE BID The amount of the Total Base bid set forth here includes each of the above Allowances (no exceptions):

Base Bid: \$4,444,000.00

BID ADD ALTERNATES: ⁽¹⁾⁽²⁾

| | |
|---|----------------------|
| 1. Alternate 1: Exterior Metal Panel Siding MP2 (Ribbed Panel) | Add #1: \$70,000.00 |
| 2. Alternate 2: Exterior Metal Panel Siding MP1 (Zinc Panels) | Add #2: \$185,000.00 |
| 3. Alternate 3: Exterior Concrete Benches with color coating and Anti-graffiti coating; and yellow exterior Pavers | Add #3: \$3,500.00 |
| 4. Alternate 4: Interior – Add Glazing and Frame at Group Study Room | Add #4: \$5,000.00 |

NOTES:

- (1) Bid Alternates prices are to include the Contractor General Conditions, Project and Overhead, bonding and related costs specified to the scopes of work for each individual Alternate.
- (2) Refer to **Specification Section 01230** for additional information for each "Alternate" alternate work.
- (3) See the Special Provisions Section in this project manual for descriptions of "Award of Contract".
- (4) Base bid value amount is to include the Allowance value as indicated in **Specification Section 01210**, "Allowances".

(cont. from page 1 of 3) in accordance with the requirements set forth above for corporations; if any of the partners are partnerships, execution for such partners shall be accomplished in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final unappealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A "List of Subcontractors".
3. A "Statement of Bidder's Experience".

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required

NONCOLLUSION AFFIDAVIT

Project Title: CALABAZAS BRANCH LIBRARY

John Bergman, Vice-President
(print name)

, being first duly sworn, deposes and says that he/she is

the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

*Incorporated in the state of California
President: Rich Applegate
Secretary/Treasurer: Jim Applegate
Vice-President: John Bergman
Vice-President: Tim Johnston

Executed on 12/10/09

Applegate Johnston, Inc.

Legal Company Name

City Business Lic. No.: No. 6425872210

Expiration Date: 03/15/2010

State Contractor Lic. No.: 773307

Corporation *see attached Articles of Incorporation

Classification: A, B, C10

Indicate Type of Entity: Sole Proprietorship,

Expiration Date: 01/31/2010

Partnership (General/Limited Partners),

Federal I. D. No.: 77-0528516

Corporation, Joint Venture, etc.

Address: Applegate Johnston, Inc.

*see attached Articles of Incorporation

1016 12th Street

*see attached Corporate Resolution

Modesto, CA 95354

By: [Signature]

Telephone: (209) 538-4449

Title: John Bergman, Vice-President *see attached Corporate Resolution

NOTARY

On December 9, 2009 before me, Dani Wright, Notary Public, personally appeared _____
(name and title of officer)

John Bergman

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

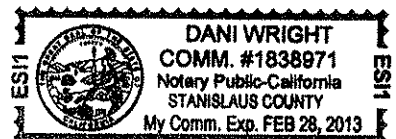
I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]

(Seal)

Notary Public



LIST OF SUBCONTRACTORS

Designation of Subcontractors as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

BIDDER (GENERAL CONTRACTOR): Applegate Johnston, Inc. (page 1)

| NAME OF SUBCONTRACTOR | LOCATION OF PLACE OF BUSINESS | PORTION (DESCRIPTION) OF WORK |
|----------------------------------|-------------------------------|----------------------------------|
| Signature Glass Windows | Morgan Hill | Windows |
| Pantano Demolition | Fresno | Demolition + Hazzmat |
| DRT | San Jose | Grading/Paving |
| Blackwell General Eng | San Jose | Underground Utilities |
| BM Humdley | San Francisco | Steel Doors + Frames |
| Cal Co | Livermore | Fencing |
| Noah Concrete Corp. | Gilroy | Site Concrete |
| BS USA INC. | San Francisco | Structural Steel |
| Denton Inc. | Modesto | Metal Decking |
| Amberwood | San Jose | Finish Carpentry/Cabinets |
| P+D Tile Co. | Santa Clara | Tile |
| CLP Plastering | Sacramento | Lath + Plaster |
| Custom Painting Inc. | Livermore | Painting |
| Ortega Flooring Inc. | Sacramento | Flooring/Carpet |
| Reno's Floor Covering | San Rafael | Vapor Control System |
| Satellite Painting Inc. | San Jose | Fabric Wrap Panels |
| Kwan-Wo-Iron workers inc. | San Francisco | Structural Steel |
| Cohen Landscape | San Jose | Landscaping/Irrigation |

LIST OF SUBCONTRACTORS (Cont.)

BIDDER (GENERAL CONTRACTOR): Applegate Johnston, Inc. (page 2)

| NAME OF SUBCONTRACTOR | LOCATION OF PLACE OF BUSINESS | PORTION (DESCRIPTION) OF WORK |
|---------------------------|----------------------------------|---------------------------------------|
| M. Santor & Sons | Modesto | Plumbing |
| California Air | Denver | HVAC |
| A+B Fire Protection | Salinas | Fire Sprinklers |
| Clark Systems Inc. | Lumis | Fire Alarm |
| WPCS Int'l Inc. | San Leandro | Communications |
| Reliable Air Mech | San Jose | HVAC |
| Pacific Erectors | Rocklin | Metal Siding |
| Creative Window Interiors | San Jose | Window Treatment |
| Arrow Sign Co. | Oakland | Signage |
| Golden State Construction | Modesto | Rough Carpentry |
| Drywall A & T | San Jose | Metal Stud/Drywall/Acoustical ceiling |
| MD Gilbert | Tracy | Underground Utilities |
| Ross McDonald Co. | Livermore | Shelving |
| F. Rodgers | Livermore | Roofing |
| ARC inc. | Meadow Vista | Caulking/Sealants |
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December 2, 2009

**ADDENDUM NO. 1
FOR THE
CALABAZAS BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **CALABAZAS BRANCH LIBRARY PROJECT**.

GENERAL:

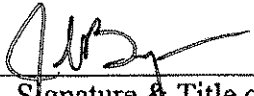
Please find attached Addenda No. 1 with modified Project Manual and Drawings. Drawings are issued in sketch form, 8 1/2" x 11". A complete listing of all modified Project Manual and Drawings sheets is included in the attached documentation.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katherine Jensen
Division Manager

| | |
|---|-----------------|
| <u>APPLEGATE JOHNSON, INC</u> | <u>12/10/09</u> |
| Bidder's Name | Date |
|  <u>JOHN BERGMAN, VICE-PRESIDENT</u> | |
| Signature & Title of Bidder | |

December 4, 2009

**ADDENDUM NO. 2
FOR THE
CALABAZAS BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **CALABAZAS BRANCH LIBRARY PROJECT**.

GENERAL:

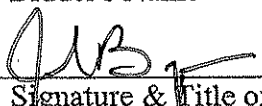
Please find attached Addenda No. 1 with modified Project Manual and Drawings. Drawings are issued in sketch form, 8 1/2" x 11". A complete listing of all modified Project Manual and Drawings sheets is included in the attached documentation.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katherine Jensen
Division Manager

| | |
|---|-----------------|
| <u>APPLIGATE JOHNSTON, INC</u> | <u>12/10/09</u> |
| Bidder's Name | Date |
|  <u>JOHN BERGMAN, VICE-PRESIDENT</u> | |
| Signature & Title of Bidder | |

STATEMENT OF BIDDER'S EXPERIENCE

BIDDER (GENERAL CONTRACTOR): Applegate Johnston, Inc.

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract. **(Contractor may Include Company own Bidders' Experience sheet instead).**

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

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| *see attached "Applegate Johnston List of Construction Projects"* |
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STATEMENT OF BIDDER'S EXPERIENCE (Cont.)

BIDDER (GENERAL CONTRACTOR): Applegate Johnston, Inc.

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract. **(Contractor may Include Company own Bidders' Experience sheet instead).**

PROJECT NAME

AGENCY/ENTITY

CONTRACT AMOUNT

| |
|---|
| |
| *see attached "Applegate Johnston List of Construction Projects"* |
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Applegate Johnston, Inc.

Construction Projects

Current Projects

Fresno Irrigation District New Office Building, Phase B

Location: Fresno, California
Owner: Fresno Irrigation District
Contact: Lawrence Kimura
(595) 233-7161
2907 S. Maple Ave., Fresno, CA
Architect: SIM (Smith Iwanaga Milhous)
David Iwanaga
(559) 448-8400
Description: CM services for the construction of a new, 2-story office building with steel structure, undulating metal roof, curtain wall systems, framed skylights, and various site and utility improvements.
Total Value: \$ 4,729,000
Percent Completed: 25 %
Completion: 3/2010

Police Indoor Gun Range, Fremont, CA

Location: Fremont, California
Owner: City of Fremont
Contact: Mike Ma
(510) 494-9700
3300 Capitol Ave, Fremont, CA
Architect: Leach Mounce Architects
Mike Smith
(805) 656-3522
CM: Critical Solutions, Inc.
Daryl Witbeck
(925) 944-5060
Description: The construction of a new 8,376 sf indoor shooting range for the Fremont Police Department, including all associated site and utility improvements.
Total Value: \$ 2,900,000
Percent Completed: 35 %
Completion: 3/2010

Fire Station Number 19, San Jose, CA

Location: San Jose, California
Owner: City of San Jose
Contact: Laura Wada, Coordinator
(408) 535-8449
Architect: Don Dommer and Associates
Donald Dommer
(510) 655-7793
Description: Complete construction of a new Fire Station in San Jose, CA. The fire station is wood framed construction with some structural steel. The project is also considered an essential services project.
Total Value: \$ 3,700,000
Percent Completed: 75 %
Completion: 3/2010

Tacos el Grullense

Location: San Jose, California
Owner: Enrique & Ester Guerrero
Contact: Enrique Guerrero
(510) 406-0294
P.O.Box 1467, King City, CA
Architect: Wesley Jay Beebe
(831) 385-0810
Description: Construction of a new wood framed Mexican Food Restaurant.
Total Value: \$ 650,000
Percent Completed: 80 %
Completion: 1/2010

Visalia Riverway Sports Complex, Phase 2

Location: Visalia, California
Owner: City of Visalia
Contact: Vince Elizondo
(559) 713-4367
345 N. Jacob Street, Visalia, CA
L/S Architect: The HLA Group
Steve Canada
(916) 447-7400
Description: The construction of a lighted, 4-field softball/baseball complex with dugouts, concessions facility, and associated site and infrastructure improvements.
Total Value: \$ 3,155,000
Percent Completed: 95 %
Completion: 11/2009

Completed Projects

Ridge Creek Golf Course Clubhouse and Pro Shop

Location: Dinuba, California
Owner: City of Dinuba
Contact: Trisha Whitfield
(559) 591-5904
Architect: BMG Inc. AIA
Lawrence D. Meeks, AIA
(205) 577-9511
CM: Kemper Sports
Jon Mallery
(847) 480-4868
Description: Construction of a two-building complex, consisting of a 5,647 sf Clubhouse and a 2,787 sf Pro Shop. Both building were wood framed construction with some structural steel, and the project included a fair amount of site work surrounding the two buildings. The Clubhouse included a commercial kitchen and locker rooms.
Total Value: \$ 3,010,000
Completion: 9/2008

Point Pleasant United Methodist Church

Location: Elk Grove, California
Owner: Point Pleasant United Methodist Church (David Allen, Trustee Chairman)
Contact: Lin Martin
(916) 684-2033
Architect: Pacific Design Associates, Inc.
Donald W. Phillips, AIA
(209) 577-2288
CM: n/a
Description: Applegate Johnston, Inc. worked with the church leaders in all aspects of the design/build approach. We developed a master plan, breaking it into phases. We helped the church put a financial package in place, and provided budget development, construction management, and construction services throughout the duration of phase 1.
Total Value: \$ 3,500,000
Completion: 11/2008

Racor Site Improvements

Location: Modesto, California
Owner: Parker/Hannifin Corporation
Contact: Trisha Whitfield
(559) 591-5904
Architect: Pacific Design Associates, Inc.
Donald W. Phillips, AIA
(209) 577-2288
CM: n/a
Description: The Racor project included over 200,000 sf site improvements.
Total Value: \$ 1,125,787
Completion: 2/2009

T-Hanger # L, Modesto City-County Airport

Location: Modesto, California
Owner: City of Modesto
Contact: Gerald Padgett
(209) 602-5264
1010 Tenth Street, Modesto, CA
Architect: City of Modesto, Public Works Department
Description: Construction of a new 12,000 sf Steel Building to be used as an airplane hanger.
Total Value: \$ 611,000
Completion: 10/2009

Sienna Square

Location: Modesto, California
Owner: Phoenix Family Limited Partnership, LLC
Contact: Renee Ellis
(209) 524-9111
Architect: Pacific Design Associates, Inc.
Donald W. Phillips, AIA
(209) 577-2288
CM: n/a
Description: Renovation to existing 5 acre retail center in Modesto, Ca. Exterior improvements to two 5,000 sq. ft. retail buildings. Parking Lot renovations.
Total Value: \$ 850,000
Completion: 7/2008

Sparkles Car Wash & Office Building

Location: Modesto, California
Owner: Phoenix Family Limited Partnership, LLC
Contact: Renee Ellis
(209) 524-9111
Architect: Pacific Design Associates, Inc.
Donald W. Phillips, AIA
(209) 577-2288
CM: n/a
Description: Construction of a 6 bay, CMU self service car wash including an automatic drive-thru car wash system, a separate pet wash bay, and vacuum bays. The project also consisted of all necessary site and utility improvements and the construction of a 2,500 sf wood framed office building adjacent to the carwash.
Total Value: \$ 1,390,825
Completion: 12/2007

Harvest Christian Church Offices

Location: Turlock, California
Owner: Harvest Christian Center
Contact: Ron Eviaz
(209) 667-5683
Architect: Yoshino Shaw & Associates
Jim Shaw
(209) 667-2603
Description: Demolition of an existing building, and building a new 4,000 sq. ft. office building on a 1.5 acre site in Turlock, Ca.
Total Value: \$ 856,416
Completion: 4/2008

BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Applegate Johnston, Inc. as PRINCIPAL,
and The Guarantee Company of North America USA, a corporation duly organized under the
laws of the State of Michigan and duly licensed to become sole surety on bonds
required or authorized by the State of California, as SURETY, are held and firmly bound unto the
City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE
TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the
City of San Jose, for the work described below; for the payment of which sum in lawful money of
the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators
and successors, jointly and severally, firmly by these presents. In no case shall the liability of the
Surety hereunder exceed the sum of Ten Percent of Amount Bid-----
----- DOLLARS
(\$ 10% Amount Bid-----).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for
certain construction specifically described as follows, for which bids are to be opened in the Office
of the City Clerk Office, CITY OF SAN JOSE, City Hall, 200 E. Santa Clara St., Wing, 2nd floor,
San Jose, CA 95113 on **December 10, 2009** for **CALABAZAS BRANCH LIBRARY.**

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time
and manner required under the specifications, after the prescribed forms are presented to Principal
for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and
files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance
policies with the City, all as required by the specifications and the contract or by law, then the
obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety
and its bond shall be in no way impaired or affected by any extension of the time within which the
Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the
Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to
be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this
day of November 30, 2009.

PRINCIPAL

SURETY

Applegate Johnston, Inc.
Legal Company Name

The Guarantee Company of North America USA
Legal Company Name

a Corporation
Indicate Type of Entity

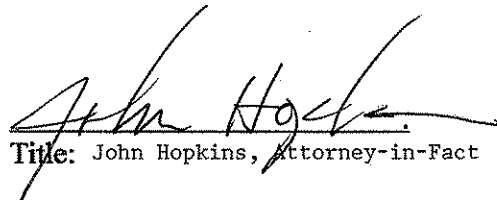
a Corporation

By



Title: JOHN BERGMAN, VICE-PRESIDENT
-SEE ATTACHED ARTICLES OF INCORPORATION

By



Title: John Hopkins, Attorney-in-Fact

By

Title:

By

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)



THE GUARANTEE COMPANY OF NORTH AMERICA USA

Southfield, Michigan

POWER OF ATTORNEY

KNOW ALL BY THESE PRESENTS: That **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, a corporation organized and existing under the laws of the State of Michigan, having its principal office in Southfield, Michigan, does hereby constitute and appoint

**Barbara Midstokke, Renee Ramsey, Richard W. Pratt, John Hopkins, Elizabeth Teats, Susan Lee,
Barbara Beeny, Nancy Luttenbacher
Interwest Insurance Services, Inc.**

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise.

The execution of such instrument(s) in pursuance of these presents, shall be as binding upon **THE GUARANTEE COMPANY OF NORTH AMERICA USA** as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at the principal office.

The Power of Attorney is executed and may be certified so, and may be revoked, pursuant to and by authority of Article IX, Section 9.03 of the By-Laws adopted by the Board of Directors of **THE GUARANTEE COMPANY OF NORTH AMERICA USA** at a meeting held on the 31st day of December, 2003. The President, or any Vice President, acting with any Secretary or Assistant Secretary, shall have power and authority:

1. To appoint Attorney(s)-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof; and
2. To revoke, at any time, any such Attorney-in-fact and revoke the authority given, except as provided below
3. In connection with obligations in favor of the Kentucky Department of Highways only, it is agreed that the power and authority hereby given to the Attorney-in-Fact cannot be modified or revoked unless prior written personal notice of such intent has been given to the Commissioner - Department of Highways of the Commonwealth of Kentucky at least thirty (30) days prior to the modification or revocation.

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of the Company adopted at a meeting duly called and held on the 31st day of December 2003, of which the following is a true excerpt:

RESOLVED that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, contracts of indemnity and other writings obligatory in the nature thereof, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, **THE GUARANTEE COMPANY OF NORTH AMERICA USA** has caused this instrument to be signed and its corporate seal to be affixed by its authorized officer, this 13th day of November, 2007.

THE GUARANTEE COMPANY OF NORTH AMERICA USA



STATE OF MICHIGAN
County of Oakland

Stephen Dullard, Vice President

Randall Musselman
Randall Musselman, Secretary

On this 13th day of November, 2007 before me came the individuals who executed the preceding instrument, to me personally known, and being by me duly sworn, said that each is the herein described and authorized officer of The Guarantee Company of North America USA; that the seal affixed to said instrument is the Corporate Seal of said Company; that the Corporate Seal and each signature were duly affixed by order of the Board of Directors of said Company.



Cynthia A. Takai
Notary Public, State of Michigan
County of Oakland
My Commission Expires February 27, 2012
Acting in Oakland County

IN WITNESS WHEREOF, I have hereunto set my hand at The Guarantee Company of North America USA offices the day and year above written.

Cynthia A. Takai

I, Randall Musselman, Secretary of **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney executed by **THE GUARANTEE COMPANY OF NORTH AMERICA USA**, which is still in full force and effect.

IN WITNESS WHEREOF, I have thereunto set my hand and attached the seal of said Company this 30 day of November, 2009.



Randall Musselman
Randall Musselman, Secretary

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Butte

On November 30, 2009 before me, Elizabeth Teats, Notary Public
(Here insert name and title of the officer)

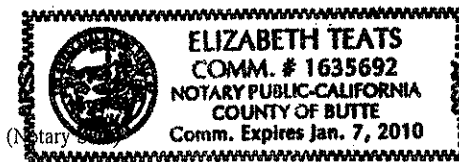
personally appeared John Hopkins

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Elizabeth Teats
Signature of Notary Public



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

Bid Bond

(Title or description of attached document)

Applegate Johnston, Inc.

(Title or description of attached document continued)

Number of Pages 3 Document Date 11/30/2009

The Guarantee Company of North America USA

(Additional information)

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual (s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☒ Attorney-in-Fact
☐ Trustee(s)
☐ Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is to be recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is /are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - * Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - * Indicate title or type of attached document, number of pages and date.
 - * Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document

ACKNOWLEDGMENT

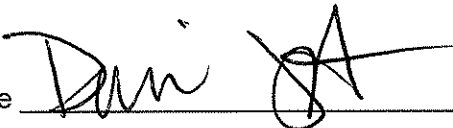
State of California
County of Stanislaus)

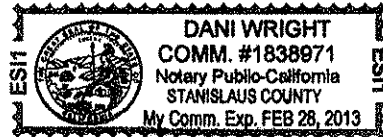
On December 9, 2009 before me, Dani Wright, Notary Public
(insert name and title of the officer)

personally appeared John Bergman,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in
his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

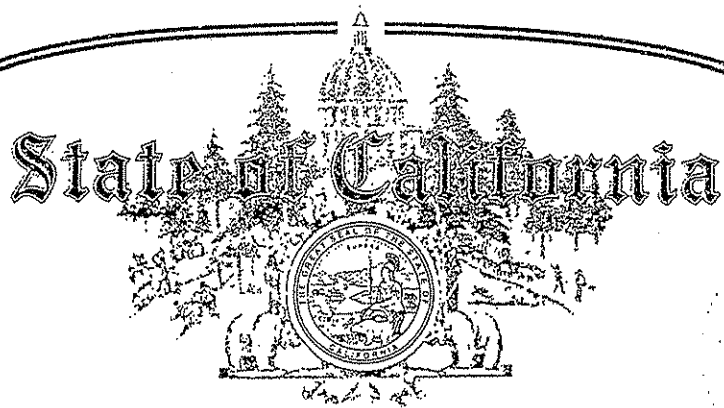
WITNESS my hand and official seal.

Signature  (Seal)



COPY

2182300



SECRETARY OF STATE

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript of 7 page(s) has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.



IN WITNESS WHEREOF, I execute this certificate and affix the Great Seal of the State of California this day of

Bill Jones

Secretary of State

COPY

2182300

ENDORSED-FILED
IN THE OFFICE OF THE
SECRETARY OF STATE
OF THE STATE OF CALIFORNIA

ARTICLES OF INCORPORATION

OF

APPLEGATE JOHNSTON, INC.

NOV -9 1959

BILL JONES, SECRETARY OF STATE

I

The name of the corporation is APPLEGATE JOHNSTON, INC.

II

The purpose of the corporation is to engage in any lawful act or activity for which a corporation may be organized under the General Corporation Law of California other than the banking business, the trust company business or the practice of a profession permitted to be incorporated by the California Corporations Code.


III

The name and address in this State of the corporation's initial agent for service of process is:

Jim Applegate
1340 Deevon Lane
Modesto, California 95352

IV

The corporation is authorized to issue only one class of shares, having a total number of 100,000 shares.



Jim Applegate
Incorporator

APPLEGATE JOHNSTON, INC
PO BOX 190 CERES CA 95307

CORPORATE RESOLUTION

As VICE PRESIDENT of Applegate Johnston, Inc., John Bergman has the authority to sign any and all contract documents on behalf of Applegate Johnston, Inc.

This permission is granted to John Bergman on the 2nd day of June, 2006 by the shareholders of Applegate Johnston, Inc.

Signed: _____



Dated: _____

June 2 2006

By: Jim Applegate

Title: Secretary/Treasurer



APPLEGATE JOHNSTON, INC.

At the meeting of the Directors of Applegate Johnston, Inc.

(Legal Company Name)

_____, a corporation organized and existing under the laws of the
State of California, duly called and held in accordance with the articles of
(State of Incorporation)

incorporation and bylaws of the corporation at its office on June 2, 2006 at
(Date of Meeting)

which a quorum of the directors was present the following resolution was adopted to wit:

Resolved, that John Bergman, Vice President ~~and/or~~
(Name of Officer and Title)

_____ is/are hereby authorized to sign
(Name of Officer and Title)

contracts/agreements in the name of and on behalf of Applegate Johnston, Inc.
(Legal Company Name)

I, Jim Applegate, Treasurer/, Secretary of Applegate Johnston, Inc.
(Name) (Legal Company Name)

_____, do hereby certify that I am the Secretary of said
corporation and that the above is a full, true, and correct copy of a resolution of the Board of
Directors of said corporation, duly adopted at the meeting held on June 2, 2006
(Date of Meeting)
and that said resolution has not been revoked or rescinded.

In witness whereof, I have hereunto subscribed my name and affixed the seal of said
corporation. See attached Articles of Incorporation

Date

12/10/09

Secretary

Jim Applegate, Treasurer/Secretary
Applegate Johnston, Inc.

(SEAL)



State Of California
CONTRACTORS STATE LICENSE BOARD
ACTIVE LICENSE



773307

Corp

APPLEGATE JOHNSTON INC

Classification C10 B A



Expiration Date 01/31/2010